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VIA E-FILING

The Honorable William Alsup
United States District Court, Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

Re: *Oracle America, Inc. v. Google Inc.*, No. 3:10-CV-03561-WHA (N.D. Cal.)

Dear Judge Alsup:

Google requests that the Court give leave to update the parties' expert reports on the invalidity of U.S. Patent Nos. 5,966,702 ("702 Patent") and 6,910,205 ("205 patent") in view of the recent developments in the reexaminations of these patents. (Dkt. No. 722.)

On January 4, 2012, the Court invited the parties to update their invalidity expert reports for each of the patents where the "reexaminations have run their course before the examiners." (Dkt. No. 676 at 4.) That Order invited supplementation of invalidity expert reports in view of final office actions in the ex parte reexaminations of the '520 and '476 patents, and in view of an action closing prosecution in the inter partes reexamination of the '720 patent. (*Id.*)

Since the Court's order, two more reexaminations have run their course. Specifically, the U.S. Patent and Trademark Office ("PTO") has issued a final office action rejecting all asserted claims of '702 patent in the ex parte reexamination of that patent. (Dkt. No. 722.) Likewise, the PTO has issued an action closing prosecution rejecting all asserted claims of the '205 patent in the inter partes reexamination of that patent. (*Id.*)

The Court's rationale in allowing supplementation of expert reports now applies to the reexaminations of these two patents as well. Specifically, at least some of the prior art cited in

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each of the reexaminations for the '702 and '205 patents was not before the PTO during the initial examinations and the PTO has now rejected the asserted claims of both patents and closed prosecution. (*See* Dkt. No. 676 at 4.)

Therefore, Google hereby requests leave for the parties to update their expert reports on the invalidity of the '702 and '205 patents.

Respectfully submitted,

/s/ Scott T. Weingaertner

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